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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,112	03/15/2002	Tetsuroh Nakamura	50023168	8070
20277	7590	08/10/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			ALLEN, STEPHONE B	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/088,112	Applicant(s) NAKAMURA ET AL.	
	Examiner Stephone B. Allen	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Election/Restrictions

Applicant's election without traverse of the Group I invention directed to claims 1-4 and 9-22, filed on 26 April 2004, is acknowledged.

Specification

The specification should be reviewed for grammatical errors and misspelled terms.

Claim Rejections - 35 USC § 112

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 6-7, "at least one of the individual optical fiber" lack a proper antecedent basis, since the fiber lens comprises "an optical fiber" which is singular. Further, it is unclear if the at least one of the individual optical fibers (lines 6-7) is a part of the fiber lens or a separate element. Please clarify. For examining purposes, this limitation will be treated as a fiber lens having a plurality of optical fibers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-35519 (hereinafter JP-1).

JP-1 discloses (Figs. 1-4) an image reader comprising light source 31 for irradiating an original 33 with light and a detector 32 for receiving light reflected from the original. JP-1 further comprises a fiber (rod) lens 5, of a specific length and shape, has a light-absorbing layer (Abstract). The lens is a fiber bundle of a plurality of optical fibers having the specific characteristics as are presently claimed.

Claims 9, 10, 12, 13, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-46484 (hereinafter JP-2).

With respect to claims 9, 20 and 21, JP-2 discloses an image processor (Figs. 1 and 17) comprising an image reader 2, 5 including light source means 8, 26 irradiating an original 25 and light detector 12, 27 receiving reflected light from the original, wherein the image readers are provided on the upper and lower sides of a transport path of the original.

With respect to claim 10, the image readers are arranged so as to differ in positions irradiated with light.

With respect to claim 12, the position of the image readers is fixed (Figure 17).

With respect to claim 13, the upper image reader is fixed and the lower image reader is movable (Figure 1).

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Fujieda (5,926,286).

Fujieda discloses an image reader comprising a light source (belt-like light source) irradiating an original and light detector receiving light from the original wherein the light source uniformly (via a condensing lens) illuminates over a specific width of the main-scanning and the sub-scanning directions for reading images on the original (Figs. 1-8 and 11-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable by JP 09-46484 (hereinafter JP-2).

JP-2 is silent as to the inclusion of a reading correction means. It would have been obvious for one of ordinary skill in the art to include a correction means as claimed in order to enhance the image from the image reader.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 09-46484 (JP-2) in view of JP 2000-35519 (JP-1).

JP-2 discloses a fiber lens, but fails to disclose the light receiving means comprises a light absorbing layer formed the optical fiber. JP-1 comprises a fiber (rod) lens 5, of a specific length and shape, has a light-absorbing layer (Abstract). It would have been obvious for one of ordinary skill in the art to modify the system of JP-2 to include a fiber lens as disclosed in JP-1 as a means of ensuring that the light is directed to the original without external interferences.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujieda.

Fujieda is silent as to the exact shape of the condensing lens. The exact shape of the lens would have been an obvious design modification for one ordinary skill in the art to make since regardless of the shape, they are functionally equivalent.

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujieda in view of JP-1.

Fujieda fails to show wherein the light detector comprises a fiber lens with a light-absorbing layer as is presently claimed. JP-1 discloses an imager reader having a light detector as is presently claimed. It would have been obvious for one of ordinary skill in the art to modify the detector of Fujieda to include a detector as claimed in JP-1 in order

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to more accurately receive the light reflected from the original, and to ensure that there is no interference from other extraneous lights.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable by JP 09-46484 (hereinafter JP-2) in view of JP-1.


JP-2 fails to show an image processor wherein the light detector comprises a fiber lens with a light-absorbing layer as is presently claimed. JP-1 discloses an imager reader having a light detector as is presently claimed. It would have been obvious for one of ordinary skill in the art to modify the detector of Fujieda to include a detector as claimed in JP-1 in order to more accurately receive the light reflected from the original, and to ensure that there is no interference from other extraneous lights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephone B. Allen whose telephone number is (571) 272-2434. The examiner can normally be reached on Mon-Thurs from 0900-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephone B. Allen
Primary Examiner
Art Unit 2878

sba